

Cover Sheet for:

**Site Plan 8-98001**

Planning Board Opinion



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

DATE MAILED: March 3, 1998

SITE PLAN REVIEW: #8-98001

PROJECT: Clarksburg Town Center Site Plan Review # 8-98001

The date of this written opinion is March 3, 1998 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before April 3, 1998, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until March 26, 2005 (which is the date that the validity period associated with the Preliminary Plan, 1-95042, is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

**First Action: Water Quality Review for Development in Designated Special Protection Areas**

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*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Holmes, with a vote of 5-0, Commissioners Baptiste, Bryant, Holmes, Hussmann and Richardson voting for and no Commissioners voting against. All Commissioners were present.*

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On January 22, 1998, The Water Quality Review for Development in Designated Special Protection Areas per Montgomery County Code Section 19-67 in accordance with Section 10, was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

**APPROVAL OF FINAL WATER QUALITY PLAN** including the Stormwater Management Concept with conditions as stated within the January 15, 1997 memo from MCDPS in Appendix; including waiver of Chapter 49-35 through 49-43 of the County Code (Bill 46-91) " Closed Section Roads in the SPA" as noted in Site Plan Review #8-98001.

**Second Action: Site Plan # 8-98001 Approval**

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*Action: Approval subject to conditions. Motion was made by Commissioner Holmes, seconded by Commissioner Bryant, with a vote of 5-0 , Commissioners Baptiste, Bryant, Holmes, Hussmann and Richardson voting for and no Commissioners voting against. All Commissioners were present.*

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On January 22, 1998, Site Plan Review #8-98001 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board **APPROVES** Site Plan Review #8-98001 which consists of 768 Dwelling Units ( 75 SFD, 295 TH's and 398 Multifamily units), inclusive of 96 MPDU's, subject to the following waivers:

Section 59 -E-3.7 - Schedule of off street parking spaces (to reduce the number of on-site parking spaces with the provision of parking within the public street);

Section 59-C-10.38 - Minimum Building Setbacks - reduces building setbacks to 50 feet

adjoining the abutting property as established in the Project Plan;

Additionally, the approval confirms the waivers established with Preliminary Plan #1-95042 :

- 1) waiver of distance between intersections per 50-26 Subdivision Regulations;
- 2) approval of closed section street sections subject to MCDOT approval;

and as subject to the following conditions:

1. Standard Conditions of Approval dated January 16, 1998 (Appendix A).

#### **Environment**

2. All agricultural areas within the environmental buffer which have not yet been taken out of production and stabilized with a suitable grass cover will be converted accordingly prior to any authorization to clear and grade for development on the property.
3. Record plats to reflect delineation of a Category I Conservation easement which includes areas affected by this site plan to show a 100 year floodplain, stream/wetland buffer and forest conservation areas that are not part of the park dedication area.
4. Submit final design plans for the stream valley crossings at Main Street to Environmental Planning Division staff for review and comment prior to approval by MCDPS/MCDPWT. Plans must demonstrate adherence to the current MCDPS/MCDPWT Guidelines for Environmentally Sensitive Stream Crossings.
5. Proposed natural surface trail within the Greenway Park to be field located by applicant's representative and M-NCPPC Environmental Planning and Park staff per Development Program within the Site Plan Enforcement Agreement. The stream crossing under Main Street shall be evaluated for adequacy of providing equestrian crossing. The bike path along Greenway Road shall be reviewed by staff to evaluate the consideration of expanding the path to 10 feet in width, pending the adequacy of SPA review by the MCDPS and MCPD staff.
6. Final erosion and sediment control plans shall be submitted to Environmental Planning Division staff for review and comment prior to approval by MCDPS.
7. The applicant shall implement a program of daily inspections, maintenance and repairs as necessary, and detailed daily documentation of inspection and maintenance activities for all sediment and erosion control measures required and constructed on the site. Such a program shall be carried out under the direction of MCDPS and the applicant shall pay the associated reasonable costs. The applicant shall continue to meet with and cooperate with MCDPS. Documentation of inspection, maintenance, and repair activities shall be available for DPS

review and use.

8. The Forest Conservation Plan shall be approved and bonded prior to issuance of the erosion and sediment control permit.
9. All stormwater management outfalls which extend into the environmental buffer shall be field located by applicant's representative, MCDPS, and M-NCPPC Environmental staff prior to approval of the stormwater management/sediment control permits by MCDPS.
10. M-NCPPC Environmental Planning Division staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these areas.
11. Reduce the amount of impervious surfaces within the development by deleting the on-street parking and reducing road pavement on: 1) the stream valley side of the Greenway Road in the immediate vicinity of Main Street; 2) the stream valley side of Street "C" from Street "D" to the bikepath crossing; and 3) on Street "D" west of its intersection with Street "C" pending MCDPW&T and MCDPS approval.
12. Revise Sheet L-9 of the landscape plans to increase the evergreen tree planting along Stringtown Road in order to provide more year-round visual screening of outdoor rear yard areas from Stringtown Road for noise mitigation purposes.
13. Revise the signature set of site and landscape plans to show 6 foot fences for visual screening of the rear yards of Lots 23 and 33, Block K and Lot 51, Block L from Stringtown Road for noise mitigation purposes.
14. Signature set of the landscape plans to include planting for all stormwater management facilities and to be reviewed and approved by M-NCPPC staff in coordination with MCDPS.
15. No clearing or grading prior to Planning Department approval of the signature set of site plans.

#### **Transportation**

16. Show conformance to all waivers to be approved by DPW&T and DPS per memos dated January 14 and 15, 1998, respectively, included in the Appendix and as they may be amended.
17. Show conformance to cross section and other recommendations per DPW&T, DPS memos dated January 14 and January 15, 1998, respectively, included in the Appendix and as they may be amended.

18. Conformance to MCPD Transportation Planning memo dated January 20, 1998 included in the Appendix.
19. APF agreement to be executed prior to the first record plat to reflect all road improvement conditions of the Preliminary Plan Approval ie dedication, and construction of required improvements pertaining to the construction of Stringtown Road (A-260), Clarksburg Road (A-121) and Mid-County Arterial (A305). If acquisition of right-of-way becomes necessary for any of the road improvements, the applicant is required to provide, pursuant to Site Plan conditions 17 and 18, and the County exercises Eminent Domain to acquire these right-of-way, the applicant will be responsible to reimburse the County for these reasonable costs.
20. Dedication and construction of "O Street extended to occur prior to the recordation of the last lot in the entire project or when the dedication of "O" Street by the adjacent property owners is made in conjunction with future development proposals.
21. Turn around at the end of Main Street by the Historic district until the connection to MD 355 is established.
22. The applicant shall provide signs for the Class III bike path along Main Street.

#### **Park/School**

23. If applicable, per MC Public Schools memo of December 31, 1997, in the Appendix, the applicant shall conduct a testing program, the final report signed and sealed by a registered professional engineer, authenticating the adequacy of the deposited soils to support typical building foundation loads.
24. The Greenway path to include sufficient space to provide for a lighting, stabilized path and adequate headroom for pedestrian crossing under the Main Street Crossing;
25. The parks/school dedications schedule to conform to Preliminary Plan # 1-95042 Conditions 6 and 7, see Appendix.
26. All sales contracts, advertising and other information shall include notification that there is an active park in the area and that traffic calming measures will be installed with final paving.
27. All construction within M-NCPPC property to meet with Parks Department specifications and approval prior to release of construction permits for the park.

## Historic Preservation

28. The right-of-way for Stringtown Road should be no closer to the historic Day House than 15 feet from the porch column, subject to MCDPW&T and MCDPS approval of cross section.
29. Lighting at all road intersections within the Historic District, and especially at Stringtown Road and Frederick Road, should be designed to have a minimal impact on the Historic District. The lighting within the Historic District - both fixtures and intensity - should be compatible with the historic and residential character of the area, as allowed by the utility companies and MCDPW&T and MCDPS.
30. Per the Project Plan approval, when the ROW is made available, construct Main Street to MD 355 within the Historic District prior to completion of the project. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.
31. A detailed design for the public space/interpretative area which will include the Clark Family Cemetery headstones must be submitted for staff review and approval prior to release of signature set. Protection of the headstones from weather deterioration should be a high priority and should be specifically addressed in the detailed design submission. It would also be desirable for the marker to be located in a more central area and better integrated into the public open space than is being provided.
32. The lot lines shall be adjusted so to include Outlot "A" to single family home area directly adjacent to the Historic District, to fulfill the Project Plan condition to approximate R-200 zone lot width standards.

## Site Planning, Landscaping and Lighting

33. Detailed landscaping plans for this site plan to be approved by staff prior to the signature set and should reflect the design concepts, the sizes and planting conditions established in the submittal and to consider the climate suitability and their potential to be deer proof.
34. Final Lighting plans for the internal streets to be comparable to the "Hagerstown" light fixture shall be configured so as to reduce the glare into the night sky by utilizing appropriate wattage, shields or other techniques that are in conformance with utility company and MCDPS and MCDPW&T requirements.
35. Landscaping Plan to show interim landscaping for the Town Square prior to the construction of adjoining units, for staff review and approval.
36. The MPDU townhouses in the Town Square District must include recreation areas near by;

the site plan and record plats must identify all MPDU locations.

37. Landscape plans to include: a partial evergreen screen along Stringtown Road; detailed plans for greenway to include planting on steep slopes; additional planting within the SWM facilities; and a sidewalk connection from the street sidewalk to the property line from Street "O" to the adjoining church.
38. The applicant may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings. Consideration shall be given to building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking etc. for staff review and approval.

### **Community Planning**

39. The applicant shall work with the County executive staff to identify a suitable civic building to be located on the town square within the area to be dedicated for that use.

### **Project Administration**

40. The Site Plan Enforcement Agreement to include the following: plat schedule as submitted to staff; complete language of condition 6 and 7 from Preliminary Plan #1-95042 regarding the ball field dedication and construction schedule; reference to the " agreement for Exchange of Land" to include timing triggers of dedication for MCPD Legal's review and comment; reference to the validity period; maintenance for all private recreational area, SWM, open spaces; etc ; and that the level of maintenance for entire project to be of equal quality and not solely dependent upon contributions of an individual area.
41. The Home Owners Association documents or equivalent to include provision for: complete public use and access to private streets for vehicular and pedestrian use; that they shall be permanently open for public use ; that the parking spaces may be assigned to individual units; that maintenance of streetscape items within the public right-of-way ie brick walks, trees, lights, etc. be assumed by the HOA.
42. The Development Program shall include: staging of amenities to occur with site plan construction and to include MCPD review and approval of path location within the Greenway park prior to construction.
43. No construction of units adjoining Midcounty Arterial in Block M , per Preliminary Plan #1-95042 Condition 16e, until the Mid-County Arterial is built.
44. The Planning Board recommends that the vertical alignment and grading of the landscape strip and bikeway along the northern R.O.W. of Stringtown Road to be designed such that



retaining walls are not required in the vicinity of the historic house, subject to the review and approval of MCDPS and MCDPW&T.

## APPENDIX A:

### STANDARD CONDITIONS OF APPROVAL DATED 1/16/98:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows and as stated above in other conditions:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - 6) Coordination of each section of the development and roads;
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
    - 8) Phasing of site clearing and grading to minimize soil erosion;
    - 9) Phasing of stormwater management and forest construction.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include, in addition to other requirements, for staff review prior to approval by MCDPS:
  - a. Undisturbed stream buffers at least 120 to 150 feet feet wide as shown on the site plan;
  - b. Limit of disturbance;
  - c. Methods and location of tree protection;
  - d. Forest Conservation areas;
  - e. Conditions of MCDPS Water Quality/Stormwater Management Concept approval letter dated January 15, 1998;
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - g. The development program inspection schedule.
  - h. Category I conservation easement and park dedication boundary
  - i. Street trees along all public and private streets inclusive of the arterial streets surrounding the project;
  - j. Centralized, screened trash areas for all multi-family and one-family attached units

except townhouses.

- k. Details for and location of noise fencing to attenuate current noise levels to no more than 45 dBA Ldn for the outdoor back yard area of homes at Stringtown Road and Midcounty Arterial.
- l. Certification from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and MCDEP issuance of sediment and erosion control permit.
4. No clearing or grading prior to Planning Department approval of signature set of plans.

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